

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE SUBOXONE (BUPRENORPHINE  
HYDROCHLORIDE AND NALOXONE)  
ANTITRUST LITIGATION**

MDL No. 2445

THIS DOCUMENT RELATES TO:  
*Wisconsin, et. al. v. Indivior Inc. et al.*

Master File No. 2:13-MD-2445-MSG

STATE OF WISCONSIN et al.

Plaintiffs,

v.

Indivior Inc. f/k/a Reckitt Benckiser  
Pharmaceuticals, Inc., et al.

Defendants.

Civ. A. No. 16-cv-5073

**DEFENDANT’S UNOPPOSED MOTION TO DISMISS ALL  
CONSPIRACY AND CONSPIRACY-RELATED CLAIMS**

Defendants Indivior Inc. f/k/a Reckitt Benckiser Pharmaceuticals, Inc., Reckitt Benckiser Healthcare (UK) Ltd., and Indivior PLC (“Defendant”), through undersigned counsel respectfully submits this Unopposed Motion to Dismiss All Conspiracy and Conspiracy-Related Claims against Defendant with prejudice and Plaintiffs the States of Wisconsin, Alabama, Alaska, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Iowa, Kansas, Louisiana, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Rhode Island, South Carolina, Tennessee, Utah, Vermont, Washington, and West Virginia; the Commonwealths of Kentucky, Massachusetts, Pennsylvania, and Virginia; and the District of Columbia (collectively, the “State Plaintiffs”), by their Attorneys General have advised that they do not oppose the relief requested herein. The grounds for this motion are as follows.

1. In this action, the State Plaintiffs have alleged the following Claims against Defendant in the First Amended Complaint: Counts I (“Monopolization Under Sherman Act § 2 Against Reckitt Defendants”); Count II (“Attempted Monopolization Under Sherman Act § 2 Against Reckitt Defendants”); Count III (“Conspiracy to Monopolize under Sherman Act § 2 Against All Defendants”); Count IV (“Illegal Restraint of Trade under Sherman Act § 1 Against All Defendants”); and Count V (“State Law Claims Against Reckitt and MonoSol Defendants”).

2. On January 10, 2023, the parties filed a Joint Status Report (MDL Dkt. No. 856), in which the State Plaintiffs stated that, “...in light of the Court’s Order of October 19, 2022, ruling that all claims against Aquestive Therapeutics shall be dismissed...” they “...will stipulate that they will not proceed with any conspiracy or conspiracy-related claims that they brought against Defendants under state or federal law in this matter, unless new evidence is found concerning such claims during the testimony of witnesses who previously pleaded the 5<sup>th</sup> Amendment”.

3. The depositions of the witnesses who previously pleaded the 5<sup>th</sup> Amendment have been completed. Defendant is not aware of any questioning in those depositions relating to conspiracy allegations, much less evidence supporting such claims. Thus, on April 20, 2023, and following up on the Joint Status Report, Defendant proposed language for the stipulated dismissal of the States’ conspiracy and conspiracy-related claims.

4. On April 28, 2023, counsel representing the States replied to the proposed stipulation: “The states will not oppose Indivior’s motion to dismiss conspiracy or conspiracy-related claims, subject to the terms of the Joint Status Report filed on January 10, 2023.”

5. The January 10, 2023 Joint Status Report establishes the parties’ shared intent that dismissal of “conspiracy and conspiracy-related claims” against Defendant which concern any such conspiracy as between Defendant and Aquestive Therapeutics (which includes, but is not limited to, MonoSol), and subject to the states’ reservation of rights to file a FRCP Rule 60(b)(2)

motion for relief or other relief available to the states, shall be with prejudice. Therefore, Defendant requests dismissal as follows:

- a. Counts III (“Conspiracy to Monopolize under Sherman Act § 2 Against All Defendants”) and IV (“Illegal Restraint of Trade under Sherman Act § 1 Against All Defendants”) of the First Amended Complaint shall be dismissed with prejudice in their entirety.
  - b. To the extent Counts I (“Monopolization Under Sherman Act § 2 Against Reckitt Defendants”), II (“Attempted Monopolization Under Sherman Act § 2 Against Reckitt Defendants”), or V (“State Law Claims Against Reckitt and MonoSol Defendants”), allege any conspiracy or conspiracy-related claims between Defendant and Aquestive Therapeutics, such claims are dismissed with prejudice. This includes, but is not limited to, allegations of conspiracy and conspiracy-related claims concerning Defendant and Aquestive Therapeutics that are alleged under the laws of Delaware, Kansas, or Ohio, or under the Cartwright Act (California), Donnelly Act (New York), or Tennessee’s antitrust law. It further includes, but is not limited to, any other conspiracy or conspiracy-related allegations in claims concerning Defendant and Aquestive Therapeutics in the First Amended Complaint that are premised on, or brought under any state law requiring, such coordinated conduct. All such claims shall be dismissed with prejudice.
  - c. The State Plaintiffs shall not seek any relief in this matter predicated on alleged conspiracy or any coordinated conduct between Defendant and Aquestive Therapeutics.
6. The Parties continue to Meet & Confer to seek further precision beyond language in the Proposed Order as to the specific allegations and claims that can be dismissed with prejudice. The Parties will report back to the Court on their progress.

Given the representations of the Parties in the Joint Status Report, the representation of the States that they will not oppose this motion, and the entire record herein, Defendant requests that the Court grant its Unopposed Motion to Dismiss All Conspiracy and Conspiracy-Related Claims.

Dated: May 1, 2023

/s/ Virginia Gibson  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 1st day of May 2023, the foregoing Unopposed Motion to Dismiss All Conspiracy and Conspiracy-Related Claims was filed and served electronically upon all registered counsel via the Court's CM/ECF System.

/s/ Virginia Gibson